

REMARKS

Claims 1-18, 27-35 and 44-45 are pending in which claims 19-26 and 36-43 were withdrawn from further consideration. In the Office Action, claim 1 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter, and claims 1-18, 27-35 and 44-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Freedman et al. (“Freedman”, US 2002/0002475) in view of Mackey et al. (“Mackey”, US 6,141,611).

Claims 19-26 and 36-43 were previously subject to a restriction requirement and were withdrawn from further consideration. Applicant respectfully requests that if claim 1 is ultimately allowed, since claims 19-26 and 36-43 depend upon claim 1 and thus require all the limitations of claim 1, the restriction requirement be withdrawn and that claims 19-26 and 36-43 be rejoined and fully examined for patentability in accordance with 37 CFR §1.104.

Claim 1 is amended to recite that collecting accident information includes employing a mapping system to map a surface of a vehicle to generate damage information, where the damage information is communicated and posted along with any other accident information. Support for this amendment includes original claim 16 (mapping system) and FIG. 5 and description thereof (beginning on page 11, line 5 of the application as filed).

Claim 1 as amended includes transformation of underlying subject matter in that the mapping system obtains damage information from the damaged vehicle, in which this information is further communicated to a remote site and posted. Claim 16 is amended in accordance with amended claim 1. It is noted that this rejection only applied to claim 1

rather than any other claim including claim 16 which originally introduced the mapping system and corresponding transformation process. Applicant requests withdrawal of the §101 rejection of claim 1.

Applicant respectfully traverses the §103(a) rejection of original claims 4-6, 16-18, 28, 30-35 and 45 as being unpatentable over Freedman in view of Mackey.

Freedman in view of Mackey does not show “communicating claim information from the remote site to the insured person via the mobile electronic data collection equipment” as recited in claim 4. Although Freedman may provide claim information, such claim information is not provided via the mobile electronic data collection equipment which is also used to retrieve and record accident information at the birth of the accident.

Furthermore with respect to claim 6, Freedman in view of Mackey does not show “making a preliminary damage estimation” and “providing a preliminary claims estimate to the insured person *via the mobile electronic data collection equipment*” (emphasis added). Again, the preliminary claims estimate is communicated back to the insured person via the electronic data collection equipment used to retrieve and record accident information at the birth of the accident. Such is not shown or described in Freedman in view of Mackey.

Further with respect to claims 16-18, Freedman in view of Mackey does not show the electronic data collection equipment comprising a mapping system with electronic communication capability, and where collecting accident information comprises mapping the damaged vehicle as recited in claim 16. A video camcorder is not a mapping system and is not capable of mapping a damaged vehicle. The mapping of a solid object (e.g.,

laser scanning or the like) is uniquely and *fundamentally* different from a video capture device because of its ability to apply mathematical reference points to the surface area, which is known by those of ordinary skill in the art as ‘mapping’. This delineation of mathematical reference points created by a mapping system (e.g., laser scanner or the like) allows for further analysis without human intervention. Video images must be reviewed by a human to assess damage information. This process can not be accomplished by any type of video capture device, whether still or in motion. A mapping system provides substantially more information regarding the damage to the vehicle. Although the present invention is not limited to the particular embodiments shown and described in the application as filed, Figure 5 and description thereof (beginning page 11, line 5) shows and describes a laser mapping system and method 500 for mapping the surface of the damaged automobile. A mapping system, for example, is able to obtain more accurate damage information from a damaged automobile than can be obtained from a video camcorder or the like, which is nothing more than a visual inspection method rather than a mapping system.

Further with respect to claim 17, Freedman in view of Mackey does not show a laser mapping system.

Further with respect to claim 28, Freedman in view of Mackey does not show dispatching a tow truck “to retrieve and deliver a repaired vehicle to the insured person” and “retrieving, by the dispatched tow truck, the replacement vehicle”. Although Freedman mentions additional services such as dispatching tow trucks (paragraph 132), such is not described for the purpose of delivering a repaired vehicle to the insured and retrieving the replacement vehicle as recited in claim 28.

Further with respect to claims 30-35, Freedman in view of Mackey does not show providing a claims wizard at the remote site that operates as an expert system which uses new accident information and the aggregate damage and accident information to assist in damage assessment as recited in claim 30. At most Freedman shows a data storage system (paragraph 125) and automatically calculating current prices for parts and labor (paragraph 130), but Freedman does not describe using aggregate damage and accident information to assist in damage assessment.

Further with respect to claim 31, Freedman in view of Mackey does not show employing similar-type vehicle information from the master database by the claims wizard.

Further with respect to claim 32, Freedman in view of Mackey does not show employing similar-type accident information from the master database by the claims wizard.

Further with respect to claim 33, Freedman in view of Mackey does not show providing wireless mobile electronic data collection equipment for availability at accident sites, using the mobile electronic data collection equipment to retrieve accident information and to transmit the accident information to the remote site, and *interactively cooperation* by the claims wizard with the wireless mobile electronic data collection equipment regarding particular data collection parameters.

Further with respect to claim 34, Freedman in view of Mackey does not show the claims wizard transmitting instructions to the wireless mobile electronic data collection equipment to facilitate collecting any additional information regarding the accident to facilitate damage assessment.

Further with respect to claim 35, Freedman in view of Mackey does not show the claims wizard *transmitting instructions to the wireless mobile electronic data collection equipment for taking digital images* of certain parts of the damaged vehicle. The video camcorders described in Freedman and/or Mackey are not described as having any such instruction providing capabilities.

Applicant respectfully submits, therefore, that claims 4-6, 16-18, 28, 30-35 are allowable over Freedman in view of Mackey. Applicant requests withdrawal of this rejection.

Freedman in view of Mackey also does not show a claims process method employing a mapping system to map a vehicle to generate damage information, and using the damage information in an attempt to assess complete vehicle damages for claim purposes as recited in claim 45. Freedman discusses the use of a digital video camcorder (paragraph 121) for taking full-motion digital videos of the vehicle(s) (paragraph 128). Mackey is similar in the use of video cameras. A video camcorder is not a mapping system and is not capable of mapping a damaged vehicle as recited in claim 45. Although the present invention is not limited to the particular embodiments shown and described in the application as filed, a laser mapping system and method 500 as described therein is capable of mapping the surface of the damaged automobile. A mapping system is able to obtain more accurate damage information from a damaged automobile than can be obtained from a video camcorder or the like, which is nothing more than a visual inspection method rather than a mapping system.

For further clarification, claim 45 is amended to recite that the mapping system maps “a surface” of the vehicle, which further clarifies the distinction of video

information from a mapping system for mapping the surface of a damaged vehicle to assess the extent of vehicle damages for claims purposes. It is further noted that the mapping information of the surface of the damaged information is used “to assess *complete* vehicle damages” (emphasis added) in which *internal* damages may be inferred or implied from the surface mapping information in order to determine more complete damage information as originally claimed. Thus, claim 45 is amended to remove the extraneous word “external”.

Applicant respectfully submits, therefore, that claim 45 is allowable over Freedman in view of Mackey. Applicant requests withdrawal of this rejection.

As noted above, claim 1 is amended to recite that collecting accident information includes employing a mapping system to map a surface of a vehicle to generate damage information, where the damage information is communicated and posted along with any other accident information. As discussed above, Freedman in view of Mackey does not show a mapping system, much less a mapping system which maps a surface of a damaged vehicle to generate damage information. Again, the mapping of a solid object is uniquely and fundamentally different from a video capture device because of its ability to apply mathematical reference points to the surface area. This delineation of mathematical reference points created by a mapping system allows for further analysis without human intervention. This process can not be accomplished by any type of video capture device, whether still or in motion. Video images must be reviewed by a human to assess damage information. A mapping system provides substantially more information regarding the damage to the vehicle.

In this manner, claim 1 is allowable over Freedman in view of Mackey. Claims 2-18, 27-35 and 44 are allowable as depending upon claim 1, among other reasons. Applicant requests withdrawal of all of the rejections.

CONCLUSION

Applicant respectfully submits that for the reasons recited above and for various other reasons, the rejections have been overcome and should be withdrawn. Applicant respectfully submits therefore that the present application is in a condition for allowance and reconsideration of the claims is respectfully requested. Should this response be considered inadequate or non-responsive for any reason, or should the Examiner have any questions, comments or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative earnestly requests a telephone conference at (512) 295-8050.

Respectfully submitted,

Date: November 21, 2008

By: _____/Gary Stanford/
Gary R. Stanford
Reg. No. 35,689

Law Offices of Gary R. Stanford
Customer Number 26122